



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

APR 03 2013

Ref: 8ENF-RC

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7009 3410 0000 2594 9449**

James A. Rubright  
Chairman and Chief Executive Officer  
Rock-Tenn Company  
504 Thrasher Street  
Norcross, GA 30071

Re: Request for Information Pursuant to Section 104(e) of CERCLA, Smurfit-Stone Mill Site, Missoula County, Montana, SSID A804

Dear Mr. Rubright:

This letter seeks your cooperation in providing information and documents relating to the Smurfit-Stone Mill Site located at 14377 Pulp Mill Road near the city of Missoula, Missoula County, Montana (Site). The U.S. Environmental Protection Agency (EPA) is investigating the identification, nature, and quantity of materials that have been generated, treated, stored or disposed of at, or transported to, the Site; the nature or extent of the release of a hazardous substance, pollutant or contaminant at the Site; and information relating to the ability of persons to pay for or to perform a cleanup at the Site.

Pursuant to the authority of section 104 of the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto. The EPA is writing this letter to you because we have information that the Smurfit Stone Container Corporation and its predecessors, which the Rock-Tenn Company acquired, operated portions of property comprising the Site.

Please respond to the Information Request within 30 days. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to section 104(e) of CERCLA and the imposition of penalties of up to \$37,500 per day of non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

The Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 2.

The response to the Information Request should be mailed to:

U.S. Environmental Protection Agency  
Region 8  
Attn: Sharon Abendschan (8ENF-RC)  
1595 Wynkoop Street  
Denver, CO 80202-1129

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any questions relating to this Information Request, please contact Amelia Piggott, EPA Enforcement Attorney, at (303) 312-6410 or Sharon Abendschan, EPA Enforcement Specialist, at (303) 312-6957. Thank you for your cooperation in this matter.

Sincerely,



Kelcey Land  
Director, Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Andrea Madigan  
Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

cc: Robert B. McIntosh, General Counsel  
Amelia Piggott, 8ENF-L  
Sharon Abendschan, 8ENF-RC  
Dianna Lim, 8EPR-PS



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**ENCLOSURE 1**

**INSTRUCTIONS FOR THE INFORMATION REQUEST TO ROCK-TENN COMPANY  
SMURFIT-STONE MILL SITE, MISSOULA, MONTANA, SITE ID A804**

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. 9604(e)(7)(E) and F, section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, 41 Fed. Reg. 36,962 (1976) (amended at 43 Fed. Reg. 40,000 (1978), and 50 Fed. Reg. 51,661 (1985)). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

**DEFINITIONS AND INFORMATION**  
**SMURFIT-STONE MILL SITE, MISSOULA, MONTANA, SSID A804**

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act, and can be found at 42 U.S.C. section 9601, et seq.
2. The terms "document" and "documents" shall mean any written, recorded or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts and all non-identical copies.
3. The term "hazardous substance" shall have the same definition as that contained in section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
4. The term "hazardous waste" shall have the same definition as that contained in section 1004(5) of RCRA.
5. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
6. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or the subject matter.
7. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term "materials" shall mean all substances that have been generated, treated, stored or disposed of, or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants or contaminants, hazardous wastes and solid wastes, as defined above, and mercury.
9. The term "person" shall have the same definition as in section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, or any interstate body.
10. The term "pollutant or contaminant" shall have the same definition as that contained in section 101(33) of CERCLA, and includes any mixtures of such pollutants or contaminants with any other substances, including petroleum products.
11. The term "Site" means the Smurfit-Stone Mill Superfund Site at 14377 Pulp Mill Road, located three miles south of the town of Frenchtown and eleven miles northwest of Missoula, Montana.

12. The term "RCRA" means the Resource Conservation and Recovery Act, amendments to the Solid Waste Disposal Act, and can be found at 42 U.S.C. section 6901, et seq.
13. The term "release" has the same definition as that contained in section 101(22) of CERCLA, 42 U.S.C. section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The term "solid waste" shall have the same definition as that contained in section 1004(27) of RCRA.
15. The term "you" or "Respondent" shall mean the addressee of this Request, and its predecessors, successors, parent companies, and subsidiary companies, including but not limited to Stone Brown Papers, Inc., Stone Container Corporation, Stone Mill Operating Corporation, Jefferson Smurfit Corporation, Smurfit Stone Container Corporation, Champion International Corporation, Waldorf Corporation and Rock-Tenn Company. The terms "you" or "Respondent" shall also mean officers or directors of the same.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601, et seq.; RCRA, 42 U.S.C. § 6901, et seq.; or their regulations found at 40 C.F.R. Part 300 and 40 C.F.R. Part 260, et seq. respectively, in which case the statutory or regulatory definitions shall apply.

**QUESTIONS**  
**SMURFIT-STONE MILL SITE, MISSOULA, MONTANA, SSID A804**

1. Identify the person(s) answering these Questions by providing their name, address, and telephone number.
2. Identify the person(s) whom you wish to receive all further communications from the EPA related to the Site.
3. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
4. For each and every Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer or that contains information responsive to the Question and provide accurate copies of all such documents.
5. Describe the relationship among Stone Brown Papers, Inc., Stone Container Corporation, Stone Mill Operating Corporation, Jefferson Smurfit Corporation, Smurfit Stone Container Corporation, Champion International Corporation, Waldorf Corporation and Rock-Tenn Company as it relates to the Site. Provide copies of all documents related to each relationship, including, but not limited to, merger agreements, purchase agreements, property transfer documents, and assumptions of liability.
6. Describe Respondent's activities at the Site including the following and provide copies of all documents relating to such activities:
  - a. the date Respondent acquired the Site;
  - b. the entity from which Respondent acquired the Site;
  - c. a description of Respondent's operations at the Site;
  - d. any changes Respondent made to the Site including any demolition or improvements;
  - e. the activities taken upon cessation of operations at the Site;
  - f. the date Respondent transferred all or a portion of the Site, and the entity to which the Site was transferred.
7. Provide copies of all documents regarding environmental conditions at the Site including, but not limited to, any sampling information, solid and hazardous waste management plans, and any known releases of hazardous substances.
8. Describe all waste materials that resulted from Respondent's activities at the Site. Describe the location and method of storing waste. Identify any hazardous substances contained in such wastes and provide copies of any and all documents that describe any analysis of such wastes and the results of the analysis.
9. Provide copies of any and all permits issued by State or Federal agencies related to Respondent's activities at the Site.
10. Identify companies or individuals that Respondent hired to perform work at the Site. Provide all

documentation, including contracts, pertaining to this work. Include information about the purpose of and documentation related to Respondent's contracts at the Site.

11. Provide copies of all casualty, liability and/or pollution insurance policies, and any other insurance contracts issued to Respondent or any predecessor of Respondent from 1986 to the present, including but not limited to comprehensive general liability, primary, umbrella and excess policies, as well as any environmental impairment liability or pollution legal liability insurance.
12. If there are any such policies from Question 11 above of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
  - a. The name and address of each insurer and of the insured;
  - b. The type of policy and policy numbers;
  - c. The per occurrence policy limits of each policy; and
  - d. The effective dates for each policy.
13. Identify all insurance brokers or agents who placed insurance for the Respondent (or any predecessor of Respondent) from 1986 to the present, and identify the time period during which such broker or agent acted in this regard. Identify by name and title, if known, individuals at the agency or brokerage most familiar with the property, pollution and/or liability insurance program of Respondent and the current whereabouts of each individual, if known.
14. Identify all previous settlements by Respondent (or any predecessor of Respondent) with any insurer which relates in any way to the policies referenced in Question 1 above, including:
  - a. The date of the settlement;
  - b. The scope of release provided under such settlement;
  - c. The amount of money paid by the insurer pursuant to such settlement.
15. Provide copies of all such settlement agreements identified in response to Question 14.
16. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy referenced in Question 11 above. Include any responses from the insurer with respect to any claims.
17. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.
18. List all named insureds on property, pollution and/or casualty liability insurance providing coverage to Respondent from 1986 to the present, and the date such named insureds appeared on the policies.
19. Identify any person or organization requiring evidence of Respondent's casualty, liability and/or pollution insurance from 1986 to the present, including the nature of the insurance requirement and the years when the evidence was required.
20. Identify Respondent's policy with respect to document retention.

21. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



ENCLOSURE 2

NOTARIZED CERTIFICATE

I, \_\_\_\_\_, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by Rock-Tenn Company to respond to the Environmental Protection Agency's (EPA's) request for information concerning the Smurfit-Stone Mill Site located in Missoula, Montana.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to EPA's request is complete and contains all information and documents responsive to the request.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

(SEAL)

Subscribed and sworn to me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_  
My address is \_\_\_\_\_  
\_\_\_\_\_

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece or on the front if space permits.</p>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>James A. Rubright            Chairman and Chief Exec. Officer            Rock-Tenn Company            504 Thrasher Street            Norcross, GA 30071</p> <p>4.3.13 f Ga</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

Received ECEJ 4.19.13